IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

TUESDAY, THE 20TH FEBRUARY 2007 / 1ST PHALGUNA 1928

OP.No. 11261 of 2002(N)
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PETITIONER:
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THE MANAGER,
KASTHOORBA GANDHI SMARAKA PRE-PRIMARY TEACHERS
TRAINING INSTITUTE, THEVALLY P.O., KOLLAM.

BY ADV. SRI.ANCHAL C.VIJAYAN

RESPONDENTS:
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1. STATE OF KERALA, REPRESENTED BY ITS
SECRETARY TO GOVERNMENT DEPARTMENT OF GENERAL
EDUCATION(P) DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE DIRECTOR OF PUBLIC INSTRUCTIONS,
THIRUVANANTHAPURAM.

3. THE SECRETARY, OFFICE OF THE
COMMISSIONER FOR GOVERNMENT EXAMINATIONS,
PAREEKSHABHAVAN, POOJAPPURA, THIRUVANANTHAPURAM.

4. DEPUTY DIRECTOR OF EDUCATION, KOLLAM.

5. NATIONAL COUNCIL FOR TEACHERS EDUCATION
SOUTHERN REGIONAL COMMITTEE, REPRESENTED BY ITS
DIRECTOR, 125, INFANTRY ROAD, BANGALORE.

*6. NCTE RECOGNIZED PRE-PRIMARY TEACHERS' INSTITUTES MANAGERS'
ASSOCIATION, REPRESENTED BY ITS PRESIDENT
PROF.J.ABDUL SALAM HAJI, PPTTE CHANDANATHOPPU,
KOLLAM – 14.

(*ADDL. R6 IS impleaded AS PER ORDER DATED 19/9/02 IN CMP 45192/02)

BY ADV. SRI.V.M.KURIAN, SC, SRC-NCTE
GOVERNMENT PLEADER
SRI.K.SUBASH CHANDRA BOSE

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD
ON 20/02/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

O.P.No. 11261/2002

ORDER ON CMP NO. 5583/2003 IN O.P.No. 11261/2002

DISMISSED.
20/02/2007 SD/- (C.N.RAMACHANDRAN NAIR, JUDGE)

ORDER ON CMP NO. 19731/2002 IN O.P.No. 11261/2002

DISMISSED.
20/02/2007 SD/- (C.N.RAMACHANDRAN NAIR, JUDGE)

ORDER ON CMP NO. 9602/2003 IN O.P.No. 11261/2002

DISMISSED.
20/02/2007 SD/- (C.N.RAMACHANDRAN NAIR, JUDGE)

ORDER ON CMP NO. 11412/2003 IN O.P.No. 11261/2002

DISMISSED.
20/02/2007 SD/- (C.N.RAMACHANDRAN NAIR, JUDGE)

**APPENDIX**

PETITIONER'S EXHIBITS

EXT.P1 COPY OF THE CERTIFICATE OF REGISTRATION NO.Q 677/96 DATED 25/9/1996 OF THE KASTHOORBA GANDHI SMARAKA VANITHA CHARITABLE SOCIETY.

EXT.P2 COPY OF THE GO(Rt.) NO. 2033/97/G.EDN. DATED 19/6/1997 GRANTING RECOGNITION TO THE PETITIONER'S INSTITUTE ISSUED BY THE 1ST RESPONDENT.

EXT.P3 COPY OF THE GO(Rt.) NO. 1912/98/G.EDN. DATED 25/5/98 GRANTING RECOGNITION FOR 45 STUDENTS FOR THE ACADEMIC YEAR 1998-99.

EXT.P4 COPY OF THE GO(Rt.) NO. 2803/99/G.EDN. DATED 21/6/1999 EXTENDING THE PERIOD OF RECOGNITION TO THE PETITIONER'S INSTITUTE FOR THE YEAR 1999-2000.

EXT.P5 COPY OF THE GO(Rt.) NO. 4943/99/G.EDN. DATED 08/11/99 ISSUED BY THE 1ST RESPONDENT.

EXT.P6 COPY OF THE LETTER NO. 26835/P1/2000/G.EDN. DATED 3/7/2000 ISSUED BY THE 1ST RESPONDENT TO THE PETITIONER.

EXT.P6(a) COPY OF THE CIRCULAR DATED 12/4/2000.

EXT.P6(b) COPY OF THE JUDGMENT IN O.P.No. 12718/01 OF THE HON'BLE HIGH COURT OF KERALA DATED 27/5/02.

EXT.P6(c) COPY OF THE PAPER PUBLICATION DATED 22/6/02 IN MALAYALA MANORAMA.

EXT.P7 COPY OF THE REPORT NO.B1 11404/2000 DATED 01/11/2000 SUBMITTED BY THE DISTRICT EDUCATIONAL OFFICER, KOLLAM TO THE 2ND RESPONDENT.

EXT.P8 COPY OF THE NO OBJECTION CERTIFICATE NO. 26835/2000/G.EDN. DATED 26/8/2000 ISSUED BY THE 1ST RESPONDENT.

EXT.P9 COPY OF THE ORDER DATED 10/9/2001 OF NCTE-SRC REJECTING THE APPLICATION FOR RECOGNITION SUBMITTED BY THE PETITIONER.

EXT.P10 COPY OF THE PETITION DATED 12/11/2001 SUBMITTED BY THE PETITIOENR FOR EXEMPTION FROM RECOGNITION TO NCTE.

EXT.P11 COPY OF THE ORDER NO.GO Rt NO. 4522/2001/GE DATED 11/12/2001 ISSUED BY THE 1ST RESPONDENT.

EXT.P12 COPY OF THE LETTER NO.Ex-H3/20149/2001 DATED 17/12/2001 ISSUED BY THE 3RD RESPONDENT.

EXT.P13 COPY OF THE 'B' LIST OF CANDIDATES FOR PPTTC EXAMINATION 2002 DULY COUNTER SIGNED BY 4TH RESPONDENT SUBMITTED BY THE PETITIONER TO THE 3RD RESPONDENT.

EXT.P14 COPY OF THE CHELAN RECEIPT SHOWING THE PAYMENT OF EXAMINATION FEES.

EXT.P15 COPY OF THE NOTICE NO.Ex-H3-20149/2001 ISSUED by the 3RD RESPONDENT TO THE PETITIONER.

EXT.P16 COPY OF THE REPLY SUBMITTED BY THE PETITIONER DATED 25/3/2002 TO THE 3RD RESPONDENT.

EXT.P17 COPY OF THE ORDER ISSUED BY THE 5TH RESPONDENT VIDE NO. FKL/SE/N/07/SRO/NCTE/2002-2003/3693 DATED 18/12/2002 ISSUED TO THE PETITIONER.

EXT.P18 COPY OF THE REQUEST MADE BY THE PETITIONER TO THE RESPONDENTS DATED 30/6/2003.

RESPONDENT'S EXHIBITS

EXT.R1(a) COPY OF COMMUNICATION SENT FROM NCTE SOUTHERN REGIONAL COMMITTEE DATED 06/05/2002 TO THE PRINCIPAL SECRETARY TO GOVERNMENT, DEPT. OF HIGHER EDUCATION.

EXT.R1(b) COPY OF NOTIFICATION DATED 20/11/2000.

EXT.R1(c) COPY OF GOVERNMENT ORDER DATED 12/4/2000.

EXT.R1(d) COPY OF GOVERNMENT ORDER DATED 12/4/2000.

ANNEXURE R5(a) COPY OF THE REPRESENTATION DATED 11/12/2001 SUBMITTED BY THE PETITIONER.

// TRUE COPY //

jg PA TO JUDGE

**C.N.RAMACHANDRAN NAIR, J.**

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**O.P. NO. 11261 OF 2002 N**

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**Dated, this the 20th day of February, 2007**

**J U D G M E N T**

Even though the petitioner's institution did not get recognition from NCTE during the year 2001-2002, the students were allowed to continue the studies and were permitted to write the examination under interim orders of this Court and results were also published, which amount to virtual recognition granted by NCTE for that year also. It is reported that for subsequent year onwards petitioner has got recognition from NCTE. In the circumstance this original petition is closed with a direction to respondents to treat the course conducted for 2001-2002 as also regular and with recognition.

**(C.N.RAMACHANDRAN NAIR, JUDGE)**

jg